

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

JMH 101 DOE
[REDACTED]

Buffalo, New York 14228

Plaintiff,

vs.

CATHOLIC CHARITIES OF
BUFFALO, NEW YORK
741 Delaware Avenue
Buffalo, New York 14209

ST. JAMES ROMAN CATHOLIC
CHURCH SOCIETY OF DEPEW, N.Y.
496 Terrace Boulevard
Depew, New York 14043

BLESSED MOTHER TERESA
OF CALCUTTA
496 Terrace Boulevard
Depew, New York 14043

NORBERT F. ORSOLITS
11540 Bolton Road
Springville, New York 14141

Defendants.

TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED, to answer the complaint in this action, and to serve a copy of your answer, or, if the summons is not served with a complaint, to serve a notice of appearance, on the Plaintiff's attorney within twenty (20) days after service of this summons, exclusive of the day of service, or within thirty (30) days after completion of service where service is made in any other manner than by personal delivery within the State. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Erie County is designated as the place of trial on the basis of the residence of the Plaintiff who resides in Erie County, New York.

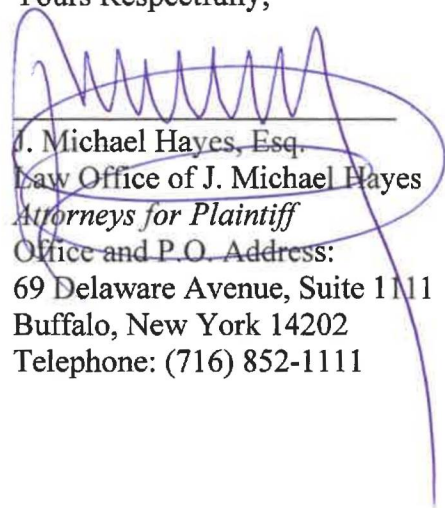
SUMMONS

Index No.:

Filed in the Erie
County Clerk's
Office on: _____

DATED: BUFFALO, NEW YORK
September 6, 2019

Yours Respectfully,



J. Michael Hayes, Esq.
Law Office of J. Michael Hayes
Attorneys for Plaintiff

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Buffalo, New York 14202
Telephone: (716) 852-1111

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

JMH 101 DOE,

Plaintiff,

vs.

COMPLAINT
JURY TRIAL
DEMANDED

Index No.:

CATHOLIC CHARITIES OF
BUFFALO, NEW YORK,
ST. JAMES ROMAN CATHOLIC CHURCH
SOCIETY OF DEPEW, N.Y.,
BLESSED MOTHER TERESA OF
CALCUTTA, and
NORBERT F. ORSOLITS,

Defendants.

The Plaintiff, JMH 101 DOE, by his attorney, J. MICHAEL HAYES, ESQ. for his complaint against the Defendants, CATHOLIC CHARITIES OF BUFFALO, NEW YORK, ST. JAMES ROMAN CATHOLIC CHURCH SOCIETY OF DEPEW, N.Y., BLESSED MOTHER TERESA OF CALCUTTA, and NORBERT F. ORSOLITS, herein alleges:

PARTIES

1. Presently and at all times herein mentioned, Plaintiff, JMH 101 DOE, is a resident of the County of Erie and State of New York. This filing under the above pseudonym is authorized pursuant to local court rules.

2. Upon information and belief, presently and at all times herein mentioned, Defendant, CATHOLIC CHARITIES OF BUFFALO, NEW YORK, is a domestic corporation authorized and existing under the laws of the State of New York with offices for the transaction of business located in the County of Erie and State of New York.

3. Upon information and belief, at all times herein mentioned, Defendant, ST. JAMES ROMAN CATHOLIC CHURCH SOCIETY OF DEPEW, N.Y., was/is a domestic religious corporation authorized and existing by virtue of Article 5 of the Religious Corporation Law of the State of New York with offices for the transaction of business located in the County of Erie and State of New York.

4. Upon information and belief, presently and at all times herein mentioned, Defendant, BLESSED MOTHER TERESA OF CALCUTTA, is a domestic religious corporation authorized and existing by virtue of Article 5 of the Religious Corporation Law of the State of New York with offices for the transaction of business located in the County of Erie and State of New York.

5. Upon information and belief, Defendant, NORBERT F. ORSOLITS, is a resident of the County of Erie and State of New York.

6. Upon information and belief, Defendant, NORBERT F. ORSOLITS, is seventy-nine (79) years old, and therefore over the seventy (70) age threshold for trial preference pursuant to CPLR 3403(a)(4).

7. Plaintiff further asserts trial preference pursuant to CPLR 3403(a)(7), as added by Section 4 of the Child Victims Act.

JURISDICTION

8. This Court has jurisdiction pursuant to CPLR 301 as Defendants' residence and/or principal places of business are in New York.

9. Venue is proper pursuant to CPLR 503 as Plaintiff's residence is in Erie County, New York. Additionally, Defendants' residence and/or principal places of business are in Erie County, New York.

FACTS COMMON TO ALL CLAIMS

10. Upon information and belief, at all times herein mentioned, Defendant, CATHOLIC CHARITIES OF BUFFALO, NEW YORK, owned Catholic Charities of Buffalo ("Catholic Charities"), located at 741 Delaware Avenue, Buffalo, New York 14209.

11. Upon information and belief, at all times herein mentioned, Defendant, CATHOLIC CHARITIES OF BUFFALO, NEW YORK, its officers, agents, servants, representatives and/or employees, managed, operated and/or controlled Catholic Charities, including, *inter alia*, the hiring of employees, employee supervision and employee assignments.

12. Upon information and belief, at all times herein mentioned, Defendant, ST. JAMES ROMAN CATHOLIC CHURCH SOCIETY OF DEPEW, N.Y., owned St. James Roman Catholic Church ("St. James Church"), located at 496 Terrace Boulevard, Depew, New York 14043, in or around 1973-1974.

13. Upon information and belief, at all times herein mentioned, Defendant, ST. JAMES ROMAN CATHOLIC CHURCH SOCIETY OF DEPEW, N.Y., its officers, agents, servants, representatives and/or employees, managed, operated and/or controlled St. James Church, including, *inter alia*, the hiring of employees, employee supervision and employee assignments.

14. Upon information and belief, Defendant, ST. JAMES ROMAN CATHOLIC CHURCH SOCIETY OF DEPEW, N.Y., was absorbed into Defendant, BLESSED MOTHER TERESA OF CALCUTTA, in a *de facto* merger or series of *de facto* mergers.

15. Upon information and belief, Defendant, BLESSED MOTHER TERESA OF CALCUTTA, assumed the liabilities of Defendant, ST. JAMES ROMAN CATHOLIC CHURCH SOCIETY OF DEPEW, N.Y., ordinarily necessary for the uninterrupted continuation of operations

and business with a continuity of management, personnel, physical location and general business operation.

16. In all instances hereinafter mentioned, Plaintiff contemporaneously refers to Defendant, BLESSED MOTHER TERESA OF CALCUTTA, when referring to Defendant, ST. JAMES ROMAN CATHOLIC CHURCH SOCIETY OF DEPEW, N.Y.

17. Upon information and belief, at all times herein mentioned, Reverend NORBERT F. ORSOLITS was a Roman Catholic priest and an officer, agent, representative, servant and/or employee of Defendant, CATHOLIC CHARITIES OF BUFFALO, NEW YORK.

18. Upon information and belief, at all times herein mentioned, Reverend NORBERT F. ORSOLITS was a Roman Catholic priest and an officer, agent, representative, servant and/or employee of Defendant, ST. JAMES ROMAN CATHOLIC CHURCH SOCIETY OF DEPEW, N.Y.

19. Upon information and belief, at all times herein mentioned, Reverend NORBERT F. ORSOLITS was under the direction, supervision and/or control of Defendant, CATHOLIC CHARITIES OF BUFFALO, NEW YORK its officers, agents, servants, representatives and/or employees.

20. Upon information and belief, at all times herein mentioned, Reverend NORBERT F. ORSOLITS was under the direction, supervision and/or control of Defendant, ST. JAMES ROMAN CATHOLIC CHURCH SOCIETY OF DEPEW, N.Y. its officers, agents, servants, representatives and/or employees.

21. Upon information and belief, at all times herein mentioned, Reverend NORBERT F. ORSOLITS was acting within the scope of his agency, servitude and/or employment with Defendant, CATHOLIC CHARITIES OF BUFFALO, NEW YORK.

22. Upon information and belief, at all times herein mentioned, Reverend NORBERT F. ORSOLITS was acting within the scope of his agency, servitude and/or employment with Defendant, ST. JAMES ROMAN CATHOLIC CHURCH SOCIETY OF DEPEW, N.Y.

23. Upon information and belief, Reverend NORBERT F. ORSOLITS was an officer, agent, representative, servant and/or employee of Defendant, CATHOLIC CHARITIES OF BUFFALO, NEW YORK.

24. Upon information and belief, Defendant, CATHOLIC CHARITIES OF BUFFALO, NEW YORK, through its officer, agent, representative, servant and/or employee Reverend NORBERT F. ORSOLITS, sexually molested infant Plaintiff, JMH 101 DOE, in the early to mid-1970s.

25. Upon information and belief, Defendant, ST. JAMES ROMAN CATHOLIC CHURCH SOCIETY OF DEPEW, N.Y., through its officer, agent, representative, servant and/or employee Reverend NORBERT F. ORSOLITS, sexually molested infant Plaintiff, JMH 101 DOE, in the early to mid-1970s.

26. Upon information and belief, at all times herein mentioned, Reverend NORBERT F. ORSOLITS was an officer, agent, representative, servant and/or employee of Defendant, ST. JAMES ROMAN CATHOLIC CHURCH SOCIETY OF DEPEW, N.Y.

27. Upon information and belief, at all times herein mentioned, Reverend NORBERT F. ORSOLITS was involved in a ski program and acting as an officer, agent, representative, servant and/or employee of Defendant, CATHOLIC CHARITIES OF BUFFALO, NEW YORK.

28. Upon information and belief, at all times herein mentioned, Reverend NORBERT F. ORSOLITS was involved in a ski program and acting as an officer, agent, representative, servant and/or employee of Defendant, ST. JAMES ROMAN CATHOLIC CHURCH SOCIETY OF DEPEW, N.Y.

29. Upon information and belief, at all times herein mentioned, Reverend NORBERT F. ORSOLITS had and was provided with access to minor children through the aforementioned ski program.

30. Upon information and belief, at all times herein mentioned, Reverend NORBERT F. ORSOLITS was an officer, agent, representative, servant and/or employee running a drug counseling program for Defendant, CATHOLIC CHARITIES OF BUFFALO, NEW YORK.

31. Upon information and belief, at all times herein mentioned, Reverend NORBERT F. ORSOLITS was an officer, agent, representative, servant and/or employee running a General Education Development ("GED") program for Defendant, CATHOLIC CHARITIES OF BUFFALO, NEW YORK.

32. Upon information and belief, Reverend NORBERT F. ORSOLITS was and is a serial pedophile.

33. Plaintiff, JMH 101 DOE, was under eighteen (18) years of age at all relevant times mentioned herein.

34. Plaintiff, JMH 101 DOE, was a member of a ski trip led by Reverend NORBERT F. ORSOLITS in the early to mid-1970s.

35. Upon information and belief, the aforementioned ski trip was facilitated, directed, funded and/or controlled by Defendant, CATHOLIC CHARITIES OF BUFFALO, NEW YORK, its officers, agents, servants, representatives and/or employees.

36. Upon information and belief, the aforementioned ski trip was facilitated, directed, funded and/or controlled by Defendant, ST. JAMES ROMAN CATHOLIC CHURCH SOCIETY OF DEPEW, N.Y., its officers, agents, servants, representatives and/or employees.

37. Plaintiff, JMH 101 DOE, was enrolled in the drug counseling/GED combination program facilitated and overseen by Defendant, CATHOLIC CHARITIES OF BUFFALO, NEW YORK, through its employee, servant, agent and/or representative, Reverend NORBERT F. ORSOLITS.

38. Upon information and belief, the drug counseling/GED combination program was facilitated, directed and/or controlled by Defendant, CATHOLIC CHARITIES OF BUFFALO, its officers, agents, servants, representatives and/or employees.

39. Upon information and belief, the drug counseling/GED combination program was facilitated, directed and/or controlled by Defendant, ST. JAMES ROMAN CATHOLIC CHURCH SOCIETY OF DEPEW, N.Y., its officers, agents, servants, representatives and/or employees.

40. Upon information and belief, through his positions at, within, or for the Defendant, CATHOLIC CHARITIES OF BUFFALO, NEW YORK, Reverend NORBERT F. ORSOLITS was put into direct and often unsupervised and unchaperoned contact with infant Plaintiff, JMH 101 DOE.

41. Upon information and belief, through his positions at, within, or for the Defendant, ST. JAMES ROMAN CATHOLIC CHURCH SOCIETY OF DEPEW, N.Y., Reverend NORBERT F. ORSOLITS was put into direct and often unsupervised and unchaperoned contact with infant Plaintiff, JMH 101 DOE.

42. Upon information and belief, it was under such circumstances that infant Plaintiff came to be under the direction and control of Reverend NORBERT F. ORSOLITS, who used his position of authority and trust over Plaintiff, JMH 101 DOE, to sexually abuse, assault and harass him.

43. Upon information and belief, at all times herein mentioned, Reverend NORBERT F. ORSOLITS, while acting as priest, counselor, officer, employee, agent, servant and/or volunteer of Defendant, CATHOLIC CHARITIES OF BUFFALO, NEW YORK, did sexually abuse, assault, molest, harass and/or have sexual contact with infant Plaintiff, JMH 101 DOE.

44. Upon information and belief, at all times herein mentioned, Reverend NORBERT F. ORSOLITS, while acting as priest, counselor, officer, employee, agent, servant and/or volunteer of Defendant, ST. JAMES ROMAN CATHOLIC CHURCH SOCIETY OF DEPEW, N.Y., did sexually assault, abuse and/or have sexual contact with infant Plaintiff, JMH 101 DOE.

45. Upon information and belief, Reverend NORBERT F. ORSOLITS was a drug counselor for Plaintiff, JMH 101 DOE.

46. Upon information and belief, Reverend NORBERT F. ORSOLITS provided Plaintiff, JMH 101 DOE, with multiple drugs for the purposes of incapacitating him and lowering his resistances to sexual molestation and sexual abuse.

47. Reverend NORBERT F. ORSOLITS had bodily contact and inappropriately touched infant Plaintiff, JMH 101 DOE, on one or more occasions.

48. Reverend NORBERT F. ORSOLITS had sexual contact with Plaintiff, JMH 101 DOE, including fondling of Plaintiff's genitalia, anus, masturbation of Plaintiff, and performing oral sex on Plaintiff.

49. Upon information and belief, Reverend NORBERT F. ORSOLITS's contact with Plaintiff, JMH 101 DOE, was extreme, outrageous, subjectively offensive to Plaintiff and objectively offensive to a reasonable person in the same or similar situation.

50. Upon information and belief, at all relevant times herein mentioned, Reverend NORBERT F. ORSOLITS intended to make such physical and sexual contact without the consent of infant Plaintiff, JMH 101 DOE, and did make such contact without infant Plaintiff's consent.

51. Plaintiff, JMH 101 DOE, was unable to give consent to engage in Reverend NORBERT F. ORSOLITS's sexual molestation as Plaintiff was a minor at all relevant times.

52. Upon information and belief, at all times herein mentioned and prior thereto, Defendant, CATHOLIC CHARITIES OF BUFFALO, NEW YORK, its officers, agents, servants, representatives and/or employees, knew, reasonably should have known, knowingly condoned and/or covered up, the inappropriate and unlawful sexual activities of Reverend NORBERT F. ORSOLITS and his proclivities toward molestation and sexual assault of young children.

53. Upon information and belief, at all times herein mentioned and prior thereto, Defendant, ST. JAMES ROMAN CATHOLIC CHURCH SOCIETY OF DEPEW, N.Y., its officers, agents, servants, representatives and/or employees, knew, reasonably should have known, knowingly condoned and/or covered up, the inappropriate and unlawful sexual activities of Reverend

NORBERT F. ORSOLITS and his proclivities toward molestation and sexual assault of young children.

54. Upon information and belief, Defendant, CATHOLIC CHARITIES OF BUFFALO, NEW YORK, its officers, agents, servants, representatives and/or employees, had the duty and responsibility to monitor, supervise, direct and/or control priests working with or for Catholic Charities.

55. Upon information and belief, Defendant, ST. JAMES ROMAN CATHOLIC CHURCH SOCIETY OF DEPEW, N.Y., its officers, agents, servants, representatives and/or employees, had the duty and responsibility to monitor, supervise, direct and/or control priests working with or for St. James Church.

56. Upon information and belief, Defendant, CATHOLIC CHARITIES OF BUFFALO, NEW YORK, its officers, agents, servants, representatives and/or employees, had a duty not to aid a pedophile such as Reverend NORBERT F. ORSOLITS, by assigning, maintaining and/or appointing him to a position with access to minors.

57. Upon information and belief, Defendant, ST. JAMES ROMAN CATHOLIC CHURCH SOCIETY OF DEPEW, N.Y., its officers, agents, servants, representatives and/or employees, had a duty not to aid a pedophile such as Reverend NORBERT F. ORSOLITS, by assigning, maintaining and/or appointing him to a position with access to minors.

58. Upon information and belief, Defendant, CATHOLIC CHARITIES OF BUFFALO, NEW YORK, its officers, agents, servants, representatives and/or employees, violated its duty to the public generally and minors specifically, including infant Plaintiff, JMH 101 DOE, by knowingly

exposing them in unsupervised and vulnerable circumstances to Reverend NORBERT F. ORSOLITS.

59. Upon information and belief, Defendant, ST. JAMES ROMAN CATHOLIC CHURCH SOCIETY OF DEPEW, N.Y., its officers, agents, servants, representatives and/or employees, violated its duty to the public generally and minors specifically, including infant Plaintiff, JMH 101 DOE, by knowingly exposing them in unsupervised and vulnerable circumstances to Reverend NORBERT F. ORSOLITS.

60. Upon information and belief, Defendants, their officers, agents, servants, representatives and/or employees, individually, jointly and/or severally, violated various New York statutes in effect at all relevant times mentioned herein including, but not limited to, N.Y. Soc. Serv. Law §§ 413 and 420, which require school officials and teachers to report suspected cases of child abuse and impose liability for failure to report.

61. Plaintiff, JMH 101 DOE, suffered severe personal physical and psychological injuries and damages as a result of Defendants' actions, as well as other damages related thereto, as a result of his childhood sexual abuse consistent with offenses as defined by Article 130 of the Penal Law.

62. Plaintiff, JMH 101 DOE, asserts his revival action pursuant to the New York State Child Victims Act, CPLR 214-g.

63. The limitation of liability set forth in CPLR Article 16 is not applicable to the claims of personal injury alleged herein, by reason of one or more of the exemptions provided in CPLR 1602.

64. Plaintiff, JMH 101 DOE, demands a jury trial for all claims.

AS AND FOR A FIRST CAUSE OF ACTION

65. Plaintiff repeats and realleges those allegations set forth in Paragraphs “1” through “64” of the Complaint with the same force and effect as fully set forth herein at length.

66. Upon information and belief, Defendant, CATHOLIC CHARITIES OF BUFFALO, NEW YORK, its officers, agents, representatives, servants and/or employees, knew and/or reasonably should have known, that Reverend NORBERT F. ORSOLITS posed a threat of sexual abuse to children.

67. Upon information and belief, Defendant, ST. JAMES ROMAN CATHOLIC CHURCH SOCIETY OF DEPEW, N.Y., its officers, agents, representatives, servants and/or employees, knew and/or reasonably should have known, that Reverend NORBERT F. ORSOLITS posed a threat of sexual abuse to children.

68. Upon information and belief, at all times herein mentioned and prior thereto, Reverend NORBERT F. ORSOLITS had previously committed and had been accused of sexual abuse of young children by other individuals.

69. Upon information and belief, in a 2018 interview with *The Buffalo News*, Reverend NORBERT F. ORSOLITS admitted to sexually abusing dozens of teenage boys in the 1970s and 1980s.

70. Upon information and belief, Defendant, CATHOLIC CHARITIES OF BUFFALO, NEW YORK, its officers, agents, servants, representatives and/or employees, knew of, should have known or had reason to know of Reverend NORBERT F. ORSOLITS’s abusive and exploitative behavior prior to his sexual molestation and abuse of Plaintiff, JMH 101 DOE.

71. Upon information and belief, Defendant, ST. JAMES ROMAN CATHOLIC CHURCH SOCIETY OF DEPEW, N.Y., its officers, agents, servants, representatives and/or employees, knew of, should have known or had reason to know of Reverend NORBERT F. ORSOLITS's abusive and exploitative behavior prior to his sexual molestation and abuse of Plaintiff, JMH 101 DOE.

72. Upon information and belief, Defendants, CATHOLIC CHARITIES OF BUFFALO and ST. JAMES ROMAN CATHOLIC CHURCH SOCIETY OF DEPEW, N.Y., its officers, agents, servants, representatives and/or employees, failed to report Reverend NORBERT F. ORSOLITS's sexual abuse(s) to civil and criminal authorities.

73. Upon information and belief, if Defendants, CATHOLIC CHARITIES OF BUFFALO and ST. JAMES ROMAN CATHOLIC CHURCH SOCIETY OF DEPEW, N.Y., their officers, agents, servants, representatives and/or employees, had reported Reverend NORBERT F. ORSOLITS's prior sexual abuse(s) to civil and criminal authorities, Plaintiff, JMH 101 DOE, would not have been abused by Reverend NORBERT F. ORSOLITS.

74. Upon information and belief, instead of reporting the incidents of sexual misconduct both prior and subsequent to Plaintiff's molestation, Defendant, ST. JAMES ROMAN CATHOLIC CHURCH SOCIETY OF DEPEW, N.Y., its officers, agents, servants, representatives and/or employees, reassigned Reverend NORBERT F. ORSOLITS to different communities because of his misconduct with parishioners and infant boys.

75. Upon information and belief, Defendant, ST. JAMES ROMAN CATHOLIC CHURCH SOCIETY OF DEPEW, N.Y., its officers, agents, servants, representatives and/or

employees, sent Reverend NORBERT F. ORSOLITS for “counseling and treatment” at an out-of-state facility.

76. Upon information and belief, Defendant, ST. JAMES ROMAN CATHOLIC CHURCH SOCIETY OF DEPEW, N.Y., its officers, agents, servants, representatives and/or employees, sent Reverend NORBERT F. ORSOLITS to Southdown Institute, located at 18798 Old Yonge St, Holland Landing, ON L9N 0L1, Canada, for “counseling and treatment”.

77. Upon information and belief, some Catholic priests were sent to “counseling and treatment” facilities to “reform” their behavior based on then-known past sexual misconduct with minors, such as Plaintiff, JMH 101 DOE.

78. Upon information and belief, predatory clergy, including Reverend NORBERT F. ORSOLITS, were sent to the aforementioned out-of-state “counseling and treatment” facilities as a device employed by Defendant, ST. JAMES ROMAN CATHOLIC CHURCH SOCIETY OF DEPEW, N.Y., its officers, agents, representatives, servants and/or employees, to literally both cover up clergy abuses of child victims and avoid civil or criminal review and sanctions.

79. Upon information and belief, Defendant, ST. JAMES ROMAN CATHOLIC CHURCH SOCIETY OF DEPEW, N.Y., its officers, agents, representatives, servants and/or employees, did not meet its obligation and responsibility to protect Plaintiff and other infants and students in its programs with Reverend NORBERT F. ORSOLITS.

80. Upon information and belief, Defendant, CATHOLIC CHARITIES OF BUFFALO, NEW YORK, its officers, agents, representatives, servants and/or employees, did not meet its obligation and responsibility to protect Plaintiff and other infants and students in its programs with Reverend NORBERT F. ORSOLITS.

81. Upon information and belief, Defendant, CATHOLIC CHARITIES OF BUFFALO, NEW YORK, its officers, agents, representatives, servants and/or employees, knowingly, willfully and intentionally concealed the conduct of Reverend NORBERT F. ORSOLITS, and other chronic pedophile priests, and protected them from prosecution while simultaneously allowing Reverend NORBERT F. ORSOLITS and other clerical sexual predators to have unsupervised and unchaperoned contact with infants, including Plaintiff, JMH 101 DOE.

82. Upon information and belief, Defendant, ST. JAMES ROMAN CATHOLIC CHURCH SOCIETY OF DEPEW, N.Y., its officers, agents, representatives, servants and/or employees, knowingly, willfully and intentionally concealed the conduct of Reverend NORBERT F. ORSOLITS and protected him from prosecution while simultaneously exposing him and other sexual predators to infants, including Plaintiff, JMH 101 DOE.

83. Upon information and belief, Defendants' knowledge of Reverend NORBERT F. ORSOLITS's abuses and their subsequent continued employment and utilization of his "services" permitted and allowed Reverend NORBERT F. ORSOLITS to continue his crimes and victimization of minors, including the ones perpetrated against Plaintiff, JMH 101 DOE.

84. Upon information and belief, Defendant, ST. JAMES ROMAN CATHOLIC CHURCH SOCIETY OF DEPEW, N.Y., its officers, agents, servants, representatives and/or employees, kept files of priests whom they knew or should have known to have engaged in pedophilia in a secret records depository hidden and unacknowledged from outsiders, including other employees of Defendant, ST. JAMES ROMAN CATHOLIC CHURCH SOCIETY OF DEPEW, N.Y., as well as parishioners, civil authorities and criminal authorities.

85. Upon information and belief, the Defendant, CATHOLIC CHARITIES OF BUFFALO, NEW YORK, its officers, agents, representatives, servants and/or employees, did knowing and intentionally conspire to conceal and cover up Reverend NORBERT F. ORSOLITS and other priests' criminal predatory abuses.

86. Upon information and belief, the Defendant, ST. JAMES ROMAN CATHOLIC CHURCH SOCIETY OF DEPEW, N.Y., its officers, agents, representatives, servants and/or employees, did knowing and intentionally conspire to conceal and cover up Reverend NORBERT F. ORSOLITS and other priests' criminal predatory abuses.

87. Upon information and belief, a former secretary of Bishop Richard Malone, acting as a whistleblower, publicly disclosed personnel files and other documentation detailing predatory behaviors and sex abuse by clergy.

88. Upon information and belief, the Diocese of Buffalo, through its Bishop, had previously only acknowledged accusations against forty-two (42) clergy; the whistleblower's documentation revealed that a truer number of known Diocesan priests accused of abuse as of 2017 was at least two-hundred two (202).

89. Upon information and belief, Reverend NORBERT F. ORSOLITS is one of the priests that the Diocese of Buffalo has known and acknowledged as having engaged in wrongful contact and sexual abuse of minors.

90. Upon information and belief, the aforementioned actions of Defendant, CATHOLIC CHARITIES OF BUFFALO, its officers, agents, servants, representatives and/or employees, as aforesaid were extreme, willful, wanton, malicious, reckless and/or outrageous in their disregard for the rights and safety of Plaintiff, JMH 101 DOE.

91. Upon information and belief, the aforementioned actions of Defendant, ST. JAMES ROMAN CATHOLIC CHURCH SOCIETY OF DEPEW, N.Y., its officers, agents, servants, representatives and/or employees, as aforesaid were extreme, willful, wanton, malicious, reckless and/or outrageous in their disregard for the rights and safety of Plaintiff, JMH 101 DOE.

92. As a result of the foregoing, including the aforementioned negligence, gross negligence, the knowing and intentional retention of known pedophile priests, the intentional concealment of abuses, and the intentional and knowing transfer of priests because of sexual assaults previously committed, Plaintiff, JMH 101 DOE, sustained severe and serious personal physical and psychological injuries, medical expenses and lost wages, which have negatively harmed and impacted him over the entire course of his life all to his damage in a sum in excess of the jurisdictional limits of all the lower courts of the State of New York together with such other punitive and exemplary damages as may be appropriate.

AS AND FOR A SECOND CAUSE OF ACTION

93. Plaintiff repeats and realleges those allegations set forth in Paragraphs "1" through "92" of the Complaint with the same force and effect as fully set forth herein at length.

94. Upon information and belief, Defendant, CATHOLIC CHARITIES OF BUFFALO, NEW YORK, its officers, agents, representatives, servants and/or employees, negligently hired, retained, directed, and/or supervised Reverend NORBERT F. ORSOLITS when they knew or should have known that he posed a threat of sexual abuse to children.

95. Upon information and belief, Defendant, ST. JAMES ROMAN CATHOLIC CHURCH SOCIETY OF DEPEW, N.Y., its officers, agents, representatives, servants and/or employees, negligently hired, retained, directed, and/or supervised Reverend NORBERT F.

ORSOLITS when they knew or should have known that he posed a threat of sexual abuse to children.

96. Upon information and belief, the sexual abuse of children by adults in the school, counseling and/or church environments, including extracurricular activities, is and was foreseeable.

97. Upon information and belief, Defendant, CATHOLIC CHARITIES OF BUFFALO, NEW YORK, its officers, agents, representatives, servants and/or employees, entered into an express and/or implied duty and/or contract to provide a reasonably safe environment for Plaintiff, JMH 101 DOE.

98. Upon information and belief, Defendant, ST. JAMES ROMAN CATHOLIC CHURCH SOCIETY OF DEPEW, N.Y., its officers, agents, representatives, servants and/or employees, entered into an express and/or implied duty and/or contract to provide a reasonably safe environment for Plaintiff, JMH 101 DOE.

99. Upon information and belief, at all times herein mentioned, Defendant, CATHOLIC CHARITIES OF BUFFALO, NEW YORK, its officers, agents, representatives, servants and/or employees, assumed the duty to protect and care for Plaintiff, JMH 101 DOE, by establishing, staffing, and/or operating a GED and drug counselling program, encouraging the enrollment and instruction of Plaintiff, accepting him as a student, and holding out the school as a safe environment for learning and engaging in youth activities.

100. Upon information and belief, at all times herein mentioned, Defendant, ST. JAMES ROMAN CATHOLIC CHURCH SOCIETY OF DEPEW, N.Y., its officers, agents, representatives, servants and/or employees, assumed the duty to protect and care for Plaintiff, JMH 101 DOE, by establishing, staffing, and/or operating a ski trip program, encouraging the enrollment and instruction

of Plaintiff, accepting him as a student, and holding out the school as a safe environment for learning and engaging in youth activities.

101. Upon information and belief, at all times herein mentioned and prior thereto, Defendant, CATHOLIC CHARITIES OF BUFFALO, NEW YORK, its officers, agents, representatives, servants and/or employees, caused, permitted and facilitated Reverend NORBERT F. ORSOLITS's continued access to children, including Plaintiff, JMH 101 DOE, knowing that Reverend NORBERT F. ORSOLITS was a child abuser and permitting him to continue his molestation practices for many years both before and after the events alleged herein.

102. Upon information and belief, at all times herein mentioned and prior thereto, Defendant, ST. JAMES ROMAN CATHOLIC CHURCH SOCIETY OF DEPEW, N.Y., its officers, agents, representatives, servants and/or employees, caused, permitted and facilitated Reverend NORBERT F. ORSOLITS's continued access to children, including Plaintiff, JMH 101 DOE, knowing that Reverend NORBERT F. ORSOLITS was a child abuser and permitting him to continue his molestation practices for many years both before and after the events alleged herein.

103. Upon information and belief, Defendant, CATHOLIC CHARITIES OF BUFFALO, NEW YORK, its officers, agents, representatives, servants and/or employees, knew of Reverend NORBERT F. ORSOLITS's activities and proclivities toward child abuse, covered up his molestations and criminal behaviors, did not provide a safe environment for minor children in their purview, and failed to mitigate or remedy harms done by Reverend NORBERT F. ORSOLITS.

104. Upon information and belief, Defendant, ST. JAMES ROMAN CATHOLIC CHURCH SOCIETY OF DEPEW, N.Y., its officers, agents, representatives, servants and/or employees, knew of Reverend NORBERT F. ORSOLITS's activities and proclivities toward child

abuse, covered up his molestations and criminal behaviors, did not provide a safe environment for minor children in their purview, and failed to mitigate or remedy harms done by Reverend NORBERT F. ORSOLITS.

105. Upon information and belief, at all times herein mentioned and prior thereto, Defendant, CATHOLIC CHARITIES OF BUFFALO, NEW YORK, its officers, agents, representatives, servants and/or employees, knew and/or should have known that Reverend NORBERT F. ORSOLITS and other employees targeted and “shared” infants for child sexual abuse, failed to stop or report these crimes and abuses, and withheld information of same from both criminal and civil authorities as well as the victims’ families.

106. Upon information and belief, at all times herein mentioned and prior thereto, Defendant, ST. JAMES ROMAN CATHOLIC CHURCH SOCIETY OF DEPEW, N.Y., its officers, agents, representatives, servants and/or employees, knew and/or should have known that Reverend NORBERT F. ORSOLITS and other employees targeted and “shared” infants for child sexual abuse, failed to stop or report these crimes and abuses, and withheld information of same from both criminal and civil authorities as well as the victims’ families.

107. Upon information and belief, Plaintiff, JMH 101 DOE, has incurred medical expenses for his own care and treatments over the course of his lifetime for harm caused and/or contributed to by the sexual assault perpetrated upon him by Defendants through its employee, Reverend NORBERT F. ORSOLITS.

108. Upon information and belief, Defendant, CATHOLIC CHARITIES OF BUFFALO, NEW YORK, its officers, agents, representatives, servants and/or employees, were put on notice of Reverend NORBERT F. ORSOLITS’s improper and inappropriate actions with other minor

children, and knew or should have known of Reverend NORBERT F. ORSOLITS's tendencies and prevented his abuses of Plaintiff, JMH 101 DOE.

109. Upon information and belief, Defendant, ST. JAMES ROMAN CATHOLIC CHURCH SOCIETY OF DEPEW, N.Y., its officers, agents, representatives, servants and/or employees, were put on notice of Reverend NORBERT F. ORSOLITS's improper and inappropriate actions with other minor children, and knew or should have known of Reverend NORBERT F. ORSOLITS's tendencies and prevented his abuses of Plaintiff, JMH 101 DOE.

110. Upon information and belief, Defendant, CATHOLIC CHARITIES OF BUFFALO, NEW YORK, its officers, agents, representatives, servants and/or employees, owed a duty of care to all persons, including Plaintiff, who were likely to come within the influence and contact of Reverend NORBERT F. ORSOLITS in his role in Defendant's employ and to ensure that Reverend NORBERT F. ORSOLITS did not abuse his authority while under Defendant's employ.

111. Upon information and belief, Defendant, ST. JAMES ROMAN CATHOLIC CHURCH SOCIETY OF DEPEW, N.Y., its officers, agents, representatives, servants and/or employees, owed a duty of care to all persons, including Plaintiff, who were likely to come within the influence and contact of Reverend NORBERT F. ORSOLITS in his role in Defendant's employ and to ensure that Reverend NORBERT F. ORSOLITS did not abuse his authority while under Defendant's employ.

112. As a result of the foregoing, Plaintiff, JMH 101 DOE, sustained severe personal physical and psychological injuries, medical expenses and lost wages, which have negatively harmed and impacted him over the entire course of his life all to his damage in a sum in excess of the

jurisdictional limits of all the lower courts of the State of New York together with such other punitive and exemplary damages as may be appropriate.

AS AND FOR A THIRD CAUSE OF ACTION

113. Plaintiff repeats and realleges those allegations set forth in Paragraphs “1” through “112” of the Complaint with the same force and effect as fully set forth herein at length.

114. Upon information and belief, Defendant, CATHOLIC CHARITIES OF BUFFALO, NEW YORK, its officers, agents, representatives, servants and/or employees, knew or reasonably should have known that the failure to properly monitor, control, direct, advise and supervise Reverend NORBERT F. ORSOLITS, who sexually abused Plaintiff, JMH 101 DOE, would and did proximately result in physical and severe emotional distress to Plaintiff, JMH 101 DOE.

115. Upon information and belief, Defendant, ST. JAMES ROMAN CATHOLIC CHURCH SOCIETY OF DEPEW, N.Y., its officers, agents, representatives, servants and/or employees, knew or reasonably should have known that the failure to properly monitor, control, direct, advise and supervise Reverend NORBERT F. ORSOLITS, who sexually abused Plaintiff, JMH 101 DOE, would and did proximately result in physical and severe emotional distress to Plaintiff, JMH 101 DOE.

116. Upon information and belief, Defendant, CATHOLIC CHARITIES OF BUFFALO, NEW YORK, its officers, agents, representatives, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct against Plaintiff, JMH 101 DOE, would and did proximately result in physical and severe emotional distress to Plaintiff, JMH 101 DOE.

117. Upon information and belief, Defendant, ST. JAMES ROMAN CATHOLIC CHURCH SOCIETY OF DEPEW, N.Y., its officers, agents, representatives, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct against Plaintiff, JMH 101 DOE, would and did proximately result in physical and severe emotional distress to Plaintiff, JMH 101 DOE.

118. Upon information and belief, Defendant, CATHOLIC CHARITIES OF BUFFALO, NEW YORK, its officers, agents, servants, representatives and/or employees, had the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff, JMH 101 DOE, being sexually abused by Reverend NORBERT F. ORSOLITS.

119. Upon information and belief, Defendant, ST. JAMES ROMAN CATHOLIC CHURCH SOCIETY OF DEPEW, N.Y., its officers, agents, servants, representatives and/or employees, had the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff, JMH 101 DOE, being sexually abused by Reverend NORBERT F. ORSOLITS.

120. Upon information and belief, despite said knowledge, power and duty, Defendant, CATHOLIC CHARITIES OF BUFFALO, NEW YORK, its officers, agents, servants, representatives and/or employees, failed to act so as to stop, prevent and prohibit the improper conduct that resulted in Reverend NORBERT F. ORSOLITS sexually abusing Plaintiff, JMH 101 DOE.

121. Upon information and belief, despite said knowledge, power and duty, Defendant, ST. JAMES ROMAN CATHOLIC CHURCH SOCIETY OF DEPEW, N.Y., its officers, agents, servants, representatives and/or employees, failed to act so as to stop, prevent and prohibit the

improper conduct that resulted in Reverend NORBERT F. ORSOLITS sexually abusing Plaintiff, JMH 101 DOE.

122. As a result of the foregoing, Plaintiff, JMH 101 DOE, sustained severe personal physical and psychological injuries, medical expenses and lost wages, which have negatively harmed and impacted him over the entire course of his life all to his damage in a sum in excess of the jurisdictional limits of all the lower courts of the State of New York together with such other punitive and exemplary damages as may be appropriate.

AS AND FOR A FOURTH CAUSE OF ACTION

123. Plaintiff repeats and realleges those allegations set forth in Paragraphs "1" through "122" of the Complaint with the same force and effect as fully set forth herein at length.

124. Upon information and belief, Defendant, NORBERT F. ORSOLITS, did willfully, knowingly and/or intentionally engage in sexual contact with then-infant Plaintiff, JMH 101 DOE, during the early to mid-1970s.

125. Plaintiff, JMH 101 DOE, did not consent to the aforementioned contact of Defendant, NORBERT F. ORSOLITS.

126. Plaintiff, JMH 101 DOE, could not consent to sexual contact of any kind made by Defendant, NORBERT F. ORSOLITS, because Plaintiff was a minor at all relevant times.

127. The actions of Defendant, NORBERT F. ORSOLITS, caused offensive bodily contact with Plaintiff's person.

128. Upon information and belief, Defendant, NORBERT F. ORSOLITS, purposefully intended to cause Plaintiff, JMH 101 DOE, harm and/or made contact that would offend a reasonable sense of personal dignity.

129. As a result of the foregoing, Plaintiff, JMH 101 DOE, sustained severe personal physical and psychological injuries, medical expenses and lost wages, which have negatively harmed and impacted him over the entire course of his life all to his damage in a sum in excess of the jurisdictional limits of all the lower courts of the State of New York together with such other punitive and exemplary damages as may be appropriate.

AS AND FOR A FIFTH CAUSE OF ACTION

130. Plaintiff repeats and realleges those allegations set forth in Paragraphs “1” through “129” of the Complaint with the same force and effect as fully set forth herein at length.

131. Upon information and belief, Defendant, NORBERT F. ORSOLITS, did know Plaintiff was an infant, under the age of eighteen (18), at the time Defendant had sexual contact with Plaintiff.

132. Upon information and belief, Defendant, NORBERT F. ORSOLITS, did willfully, knowingly and/or intentionally engage in sexual conduct with then-infant Plaintiff, JMH 101 DOE.

133. Upon information and belief, Defendant, NORBERT F. ORSOLITS, did willfully, knowingly and/or intentionally create a hostile and unsafe environment that no child would be able to tolerate.

134. Plaintiff did not, in fact, tolerate conduct made by Defendant, NORBERT F. ORSOLITS.

135. Upon information and belief, Defendant, NORBERT F. ORSOLITS, in order to avoid embarrassment, scandal, negative publicity, civil liability, criminal liability and/or repercussions for his actions, did intend to cause Plaintiff shame, humiliation, and extreme emotional distress so that he would stay silent and not report the sexual abuse.

136. Upon information and belief, Defendant, NORBERT F. ORSOLITS, behaved in a manner toward Plaintiff that was so shocking, outrageous and extreme as to exceed all reasonable bounds of decency.

137. Upon information and belief, Defendant, NORBERT F. ORSOLITS, knew with substantial certainty, or should have known, that his behavior would cause Plaintiff to be a victim of sexual abuse, sexual harassment and/or violence.

138. Upon information and belief, Defendant, NORBERT F. ORSOLITS, willfully, knowingly, intentionally and/or recklessly desired and caused Plaintiff severe emotional distress.

139. Upon information and belief, Defendant, NORBERT F. ORSOLITS, acted with utter disregard of the consequences his actions would have on Plaintiff.

140. The aforementioned acts of Defendant, NORBERT F. ORSOLITS, caused Plaintiff physical, mental and severe emotional distress.

141. Plaintiff has suffered severe emotional distress of such intensity and duration as a result of the actions of Defendant, NORBERT F. ORSOLITS, that no reasonable person should be expected to endure it.

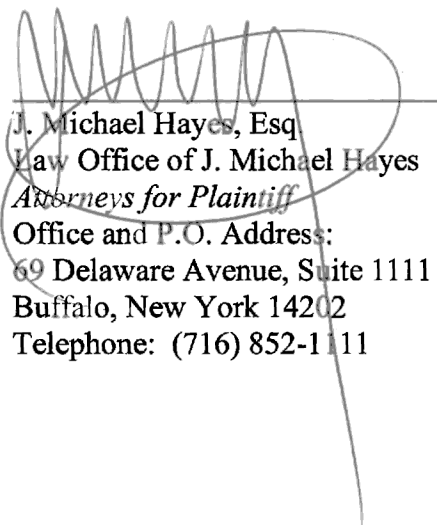
142. As a result of the foregoing, Plaintiff, JMH 101 DOE, sustained severe personal physical and psychological injuries, medical expenses and lost wages, which have negatively harmed and impacted him over the entire course of his life all to his damage in a sum in excess of the jurisdictional limits of all the lower courts of the State of New York together with such other punitive and exemplary damages as may be appropriate.

WHEREFORE Plaintiff demands a jury trial and judgment in excess of the jurisdictional limits of all the lower courts of the State of New York together with such other compensatory,

punitive and exemplary damages, costs, disbursements and for such other relief as is just, proper and equitable.

DATED: BUFFALO, NEW YORK
 September 6, 2019

Yours Respectfully,



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